

REMARKS/ARGUMENTS

Claims 1-72 are pending in the application. Claims 1, 29, 38 and 64 are amended. No claims are cancelled or added. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

CLAIMS REJECTION—35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-72 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This objection is respectfully traversed.

Specifically, with respect to Claim 1, the Office Action indicated that the participants recited in Claim 1 “cannot be presumed to be as willing and compliant as participants in a billing system might be.” It is not clear what this statement has to do with whether Claim 1 satisfies 35 U.S.C. § 112, second paragraph. The invention recited in Claim 1 can be used equally in circumstances where the participants are “willing”, and in circumstances where the participants are not “willing”. Since participant willingness does not have to do with the invention, the lack of limitations to a degree of “willingness” does not render Claim 1 indefinite.

It should be noted that the term “intercept” is not intended to imply a nefarious intent. Rather, “intercept” merely indicates that the entity processing the message (1) is not the entity to whom the message is addressed, and (2) obtains the message before the entity to whom the message is addressed receives the message. In a typical scenario, the device that “intercepts” the message will either be controlled by the same party that is providing the service, or be controlled

by a party that has been hired to provide billing-related services for the service. However, the invention recited in Claim 1 is not limited to this typical scenario.

Claim 1 has been amended to clarify the meaning of “intercepting”. As amended, Claim 1 recites:

wherein intercepting the message is performed by a device coupled between a plurality of clients and a plurality of servers, wherein the message is addressed to said second participant and not to said device;
wherein said message includes identifier information;
wherein said device has access to the message and can interpret the identifier information contained within the message;

It is respectfully submitted that this amendment is also consistent with the suggestions included in the Office Action.

With respect to the preamble, it is respectfully submitted that Claim 1 describes a technique in which messages are communicated electronically. Therefore, the original preamble is accurate. However, the preamble has been amended to reflect the limitations added in the prior amendment.

With respect to Claim 8, the Office Action points out that Claim 8 is not limited to any particular way of determining whether funds are available to a message-sender. Based on this observation, the Office Action states that “it is unclear how a person of ordinary skill in the art would determine the funds available to a message-sender”. However, the Office Action also identified at least one way that a person of ordinary skill in the art would determine the funds available to a message-sender. Specifically, the Office Action pointed out that one way to determine funds available to a message-sender would be to obtain knowledge of the sender’s accounts. That is true. Other ways include, for example, asking the message-sender if the

message-sender has sufficient funds, asking another party whether the message-sender has sufficient funds, estimating how wealthy the message-sender is based on information in the profile, such as home address, etc. Thus, there are many ways to determine whether the particular participant has sufficient funds. However, Claim 8 is not directed to how the system determines whether the particular participant has sufficient funds. Therefore, it would be inappropriate to limit Claim 8 to any particular technique for determining whether the particular participant has sufficient funds.

With respect to Claims 29 and 64, they have been revised as suggested by the Office Action.

CLAIM REJECTIONS—35 U.S.C. § 103

Claims 1 and 38 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application No. 2002/0138331 ("Hosea") in view of U.S. Patent Application No. 2002/0027901 ("Liu"). This rejection is respectfully traversed.

Amended Claim 1 requires, among other things:

1. (Currently Amended) A method for recording interactions reflected in messages, the method comprising the computer-implemented steps of:
 - intercepting a message that has been sent from a first participant to a second participant prior to said message arriving at said second participant;
 - wherein intercepting the message is performed by a device coupled between a plurality of clients and a plurality of servers, wherein the message is addressed to said second participant and not to said device;
 - wherein said message includes identifier information;
 - wherein said device has access to the message and can interpret the identifier information contained within the message;
 - wherein said first participant is one of a service requestor and a service provider and the second participant is the other of the service requestor and the service provider;
 - on said device, determining the identity of the first participant based on said identifier information in said message;

on said device, using said identity to maintain a log of the interaction between said first participant by said second participant, wherein said interaction involves one or more messages sent by the first participant that are addressed to the second participant, and one or more messages sent by the second participant that are addressed to the first participant ; and wherein said log is based at least in part on reply messages that pass through said device.

In making this rejection, the Office Action recognized that Hosea does not teach the above-bolded express limitations. However, the Office Action asserts that Liu does satisfy these limitations, and that it would have been obvious to combine Liu with Hosea.

Liu discloses a system for making anonymous phone calls. Instead of providing the address of a “second station” to a “first station”, an intermediary provides a “reference code” to the first station. To call the second station, the first station sends the intermediary the reference code, and a call request. The intermediary then sets up the call between the first station and the second station. “Voice communication can thereby be established between the first and second stations without providing the address of the second station to the first station”.

As a preliminary matter, it should be noted that the assumptions behind Lui are completely contrary to the principle of operation of the invention recited in Claim 1. Specifically, the whole purpose of Lui is to not let one participant know the address of the other participant. In contrast, Claim 1 expressly requires that the two participants know each other’s addresses. Specifically, Claim 1 uses the term “intercepting” because “the message is addressed to said second participant and not to said device”. Thus, the first participant knows the address of the second participant, so the second participant is not anonymous to the first participant.

Further, the message sent by the first participant to the address of the second participant contains “identifier information” that allows the first participant to be identified. Sending this

type of information in a message addressed to the second participant clearly goes against any desire to keep the first participant anonymous relative to the second participant.

That being said, Lui disclose or in any way render obvious at least the following step:

on said device, using said identity to maintain a log of the interaction between said first participant by said second participant, wherein said interaction involves one or more messages sent by the first participant that are addressed to the second participant, and one or more messages sent by the second participant that are addressed to the first participant ; and

As explained above, it would destroy Liu to have messages sent from the first participant and address to the second participant, and messages sent from the second participant that are addressed to the first participant. To satisfy these limitations, Liu would have to be modified to eliminate the very anonymity that Liu seeks to provide.

Because neither Liu nor Hosea satisfy these limitations, it is respectfully submitted that even if combined, Liu and Hosea would not satisfy these limitations. Further, such a combination would be improper because any combination that would satisfy the express limitations of Claim 1 would completely destroy Liu.

Based on the foregoing, it is respectfully submitted that Claim 1 is allowable over the combination of Liu and Hosea. Further, Claim 38 contains limitations similar to Claim 1, and is therefore allowable for the same reasons. All of the remaining claims depend directly or indirectly on either Claim 1 or Claim 38. Therefore, the remaining claims are also patentable for these reasons.

THE REMAINING REJECTIONS

Claims 2-7, 11-24, 26-28, 31-33, 39-42, 46-59, 61-63 and 66-68 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosea and Liu in view of U.S. Patent No. 2002/0133412 ("Oliver").

Claims 8,10, 43 and 45 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosea in view of Liu and Oliver and further in view of U.S. Patent No. 5,339,239 ("Manabe").

Claims 9 and 44 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosea in view of Liu and Oliver and Manabe and U.S. Patent No. 6,167,385 ("Hartley").

Claims 25 and 60 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosea in view of Liu and Oliver and in further view of U.S. Patent No. 5,502,636 ("Clarke").

Claims 29, 30, 64 and 65 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosea in view of Liu and in further view of U.S. Patent No. 6,704,612 ("Hahn").

Claims 34, 35, 69 and 70 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosea in view of Liu and Oliver and U.S. Patent No. 5,960,416 ("Block"). This rejection is respectfully traversed.

Claims 36 and 71 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosea in view of Liu U.S. Patent Application No. 2001/0029482 ("Tealdi"). This rejection is respectfully traversed.

All of these rejections is respectfully traversed. None of Oliver, Manabe, Hartley, Clarke, Hahn and Block discloses or suggests the limitations discussed above with respect to Claims 1 and 38. The Office Action does not even allege that any of these references discloses or suggests

any of the limitations discussed above. Therefore, even if were proper to combine all of these references, the combination would not satisfy all of the limitations of any currently pending claim. Due to the fundamental differences already identified, and to expedite favorable resolution of this matter, a separate argument is not provided for each of these claims at this time.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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